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October 4, 2022

Honorable Magistrate Judge Nancy Joseph
United States District Court, Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

VIA EFILE

RE: US District Court for the Eastern District of Wisconsin
Case No: 2-20-CV-01660
Knowlton, et al v. City of Wauwatosa, et al.

Dear Your Honor:

We write pursuant to your Updated Scheduling Order of September 16, 2022 (ECF #200), wherein you ordered in paragraph 6:

No later than 5 p.m. on October 4, 2022, the parties should work, in good faith, to jointly submit a report summarizing the status of the outstanding discovery requests as exchanged in paragraphs 1 and 2 above. The report should also include the names of all of those persons proposing to be deposed and for each person, the claim and/or defense to which the person's testimony is relevant. The report should also include an update on the status of any written discovery.

In the interest of transparency and efficiency, we provide as an attachment the full email thread demonstrating Plaintiffs' counsel good faith efforts to comply, including a phone call this morning to attempt a joint letter as ordered. Regrettably, though Plaintiffs' counsel made themselves available and waited over 45 minutes with the zoom meeting open on October 3, 2022 at 5:30p.m., and on October 4, 2022 at 7:00 a.m., both times that ***Defendants' counsel*** proposed we meet to confer, Defendants' counsel did not appear. We also offered to jointly request for a one-day extension with the Court, as we were aware of Defendants' Counsel trial logistics which required a meeting outside of conventional "office" hours. We did not hear back. Thus, to respect

your explicit order that no extensions would be considered absent extreme circumstances, we submit this letter to fully comply and to keep on schedule.

Please accept this letter as Plaintiffs' summary complying in good faith with the updated scheduling order, and note that throughout today, and after 5pm, we are absolutely still available and willing to meet and confer with Defendants' counsel. We note that we are meeting with the Defendant's at 5:30p.m. today to discuss discovery issues, and are hopeful for any additional clarification and resolution as a result

At present, Plaintiffs are still missing text message communications from Defendant City of Wauwatosa in relation to the events as they occurred from October 7 – 12, 2020. Plaintiffs are missing the complete arrest reports for Aidali Rivera, William Rivera, Ann Delessio-Parson, Lazrito Matheu, Hector Rodriguez, Nathan Sabel, and Destiney Jones. Defendants City of Wauwatosa have not provided all the emails demonstrating distribution and access to the Protestor List.

From Plaintiffs' perspective:

Parties have complied with paragraphs 1 and 2 of the updated scheduling order. That is, Plaintiffs have fully complied with identifying which claims attach to any outstanding discovery. Defendants have provided bates number references for where they believe responses have already been provided; confirm all responsive documents have been provided for document requests, and provided signed responses. Further, Defendants respond that additional discovery (unredacted booking photos and text messages) will be provided on October 5, 2022.

As to depositions, Defendants have provided a Notice of Deposition for plaintiff William Rivera for October 20, 2022, and to date, no others; Plaintiffs have provided notice, relevant claims and look to confirm scheduling logistics for:

- 1) Defendant Joseph Farina (in person), deposition tentatively scheduled for 11/14/22
- 2) Defendant City of Wauwatosa (pursuant to Rule 30(b)(1) anticipate person(s) identified by Defendant as best informed to address) for two topics (in person):
 - a. chief policy maker for the Wauwatosa Police Department from September 30, 2020 – January 7, 2021, and
 - b. person in charge of information technology for the City of Wauwatosa from May 25, 2020 – January 7, 2021
- 3) Authority with the Department of Transportation (via zoom)
- 4) Defendant Joseph Roy (via zoom)

- 5) WPD Office Andrew Florence (via zoom) claims 1, 2 and 11
- 6) WPD Officer Michael McDermott (via zoom) claims 1, 2 and 11

As to written discovery, requests for document production is unlimited, and Plaintiffs anticipate some additional requests for production which will be served in compliance with the courts order.

Plaintiffs have propounded 4 interrogatories, responded to date by three persons, two defendants and one witness, for a total of 7 of the 25 allowed for interrogatories demanded by Plaintiffs. Defendants have now properly responded to all of Plaintiffs Interrogatories to date. Plaintiffs have proffered a total of 16 Requests for Admission of the 50 allowed. To which Defendants have properly responded to Plaintiffs requests for admissions.

Defendants have propounded 44 interrogatories, answered to date by all plaintiffs, for a total of 1,077 of the 25 allowed for interrogatories demanded by Defendants (and to which Plaintiffs responded); Defendants have proffered a total of _758 Admissions of the 50 allowed

Thus, Plaintiffs have remaining 18 interrogatories and 34 requests for admissions and may serve future requests pursuant to the Court's orders.

Defendants have demanded and received over and above the amount of written discovery allowed pursuant to ECF # 99

Again, though regrettably only one-sided, Plaintiffs' counsel respectfully believe the above to be in compliance with this Honorable Court's Updated Scheduling Order, in the interest of judicial efficiency and within the full spirit of Your Honor's explicit direction to keep this matter on course with civility and transparency. In that vein, we also confirm that Plaintiffs are open and willing to participate meaningfully in mediation. Though the ordered deadline in that regard is not until October 17, 2022, we provide that information here to confirm our on-going, sincere efforts to professionally and ethically work towards appropriate resolution.

If anything further is required, please advise and we will comply without delay. Thank you.

Very truly yours,

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